

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 16571 of 2004

with

CIVIL APPLICATION No 1 of 2005

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

SECRETARY, AGRICULTURAL PRODUCE MARKET COMMITTEE

Versus

HATHIBHAI KARSHANBHAI VANAR

Appearance:

1. Special Civil Application No. 16571 of 2004
MR BB NAIK for Petitioner No. 1-3
MR HARIN P RAVAL for Respondent No. 1
NOTICE SERVED BY DS for Respondent No. 2-3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 06/01/2005

ORAL JUDGEMENT

1. RULE. Mr.Harin P Raval learned advocate waives service of rule on behalf of respondent no.1. With the consent of learned counsel for the parties, the matter is taken up for final hearing today.

2. The petitioner - Market Committee has preferred this petition in order to quash and set aside the order dated 04/12/2004 passed by the Deputy Secretary (Appeals), Department of Agriculture & Cooperation, State of Gujarat, at Annexure-G to the petition.

3. Without entering into the merits of the matter, the petitioner - Market Committee is directed to approach the Deputy Secretary (Appeals), Department of Agriculture & Cooperation, State of Gujarat, on 10/01/2005 with appropriate application for deciding the Revision Application pending before it. The petitioner shall also file their reply in the matter. On receipt of the said application from the petitioner - Market Committee, the Deputy Secretary shall decide the same on merits on 10/01/2005 itself after hearing the petitioner.

4. The impugned order of the Deputy Secretary dated 04/12/2004 granting interim relief in terms of Para 6(4) of the Revision Application is quashed and set aside. The Deputy Secretary is directed to reconsider the matter afresh on merits on receipt of the aforesaid application from the petitioner - Market Committee. The other order of the Deputy Secretary shall remain as it is.

5. The above order of the Deputy Secretary is quashed in view of the fact that interim relief was granted ex-parte without hearing the petitioner - Market Committee. It would be open for the Deputy Secretary to consider the said application and to grant any or all the reliefs which have been claimed by the original petitioner before the State Government after hearing the other side. The petition stands disposed of accordingly. Rule is made absolute to the aforesaid extent.

(K. S. Jhaveri, J.)

pravin/

ORDER IN CIVIL APPLICATION No.1 of 2005

In view of the order passed in the main matter,

this Civil Application will not survive. It stands disposed of accordingly. Rule is made absolute accordingly.

(K. S. Jhaveri, J.)

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